

# **Advisory Opinion**

**IECDB AO 2005-06**

May 19, 2005

The Honorable Mary Mosiman  
Story County Auditor and Commissioner of Elections  
900 Sixth Street  
Nevada, Iowa 50201-2087

Dear Auditor Mosiman:

This opinion is in response to your letters of March 24 and March 30, 2005, requesting an opinion from the Iowa Ethics and Campaign Disclosure Board pursuant to Iowa Code section 68B.32A(11) and Board rules 351—1.2 and 1.3. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

## **FACTUAL STATEMENT:**

We understand you request this opinion in your capacity as the Story County Auditor and County Commissioner of Elections. You advise us that you would like to offer candidates within Story County the opportunity to have a standardized profile available on the Web site maintained by your office. Your office would create the standardized profile and would determine the information to be included. A disclaimer would also be included concerning the profiles.

The profile would include candidate information such as name, address, office sought, family information, current and past occupations, educational background, personal interests and hobbies, contact information, and other additional background information.

## **QUESTION:**

Would posting the candidate profiles on the Story County Auditor and County Commissioner of Elections' Web site violate the prohibition on the use of public resources for political purposes?

## **OPINION:**

Iowa Code section 68A.505 and the Board's rules in 351—Chapter 5 govern the use of public resources for a political purpose. Under the Board's rules, the use of a county computer and Web site to "expressly advocate" for or against candidates and ballot

issues would trigger the prohibition on the use of public resources for a political purpose.<sup>1</sup>

In reviewing the draft candidate profile that your office would be creating, we do not believe the information that the profile covers is “express advocacy.” Rather, the profile provides information about a candidate that might be of general interest to voters but does not seek to solicit votes or raise campaign funds.

Therefore, you may place the candidate profiles on the Story County Auditor and County Commissioner of Elections’ Web site without violating the prohibition on the use of public resources for a political purpose.

In closing, if a profile is submitted to your office that does “expressly advocate” for or against a candidate or seeks to raise campaign funds, then the profile should not be placed on the county Web site. If you have concerns about a particular profile, we encourage you to seek guidance from the Board prior to posting the profile.

#### BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> “Express advocacy” includes words, terms, or symbols that exhort someone to vote for or against a particular candidate or ballot issue or that engage in campaign fundraising.